

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

STEPHEN CODY

PLAINTIFF

v.

Case No. 10-6070

MS. MARGARET, Probation and
Parole Office; AND MS. RHONDA
WARE, Probation and Parole Office

DEFENDANTS

ORDER

Now on this 5th day of April, 2012, there comes on for consideration the report and recommendation filed herein on March 12, 2012, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 19). Plaintiff has not filed timely, written objections.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendants' motion to revoke Plaintiff's IFP status (doc. 16) is GRANTED, and this action is DISMISSED WITHOUT PREJUDICE to Plaintiff's right to re-open it with payment of the appropriate filing fee. See *Witzke v. Hiller*, 966 F.Supp. 538, 540 (E.D. Mich. 1997). In the event Plaintiff tenders the filing fee, he will also be responsible for other costs associated with this action, such as costs of service and subpoena fees. Plaintiff is precluded from filing any future civil action IFP

unless he is under imminent danger of serious physical injury.

Accordingly, the U.S. District Clerk is directed to provisionally file any new action in which Steven Cody seeks to proceed IFP. The U.S. Magistrate Judge shall then review the action and, if it is a civil action, rather than a criminal or habeas one, and, if Cody has not asserted a valid claim that he is under imminent danger of serious physical injury, the magistrate judge shall recommend that IFP status be denied.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge